

Bureau of Health Workforce
Division of Participant Support and Compliance

September 26, 2024

Ms. Anna Singleton, Esq.,
CSW, LLP
One Galleria Blvd, Suite 1100
Metairie, Louisiana 70001
Re: Haley Clements, FNP

Dear Ms. Singleton:

This letter responds to your pending appeal/reconsideration request of our denial of your client's, Haley Clements, waiver request of her National Health Service Corps (NHSC) Rural Community (RC) Loan Repayment Program (LRP) service obligation. After receiving additional documentation and for the reasons discussed below, we determined that your client meets the criteria for a full waiver of her NHSC RC LRP service obligation.

Statute and Regulatory Criteria

A waiver may be granted only when compliance with the NHSC LRP service or payment obligation (1) is impossible, or (2) would involve extreme hardship to the individual and if enforcement of the obligation with respect to any individual would be unconscionable. By regulation (42 C.F.R. § 62.12, made applicable by 42 C.F.R. § 62.28), compliance is considered impossible if the participant documents that they suffer from a physical or mental disability that results in their permanent inability to serve the obligation. In determining whether compliance with the obligation would be an extreme hardship, the regulations require us to consider:

1. The participant's present financial resources and obligations;
2. The participant's estimated future financial resources and obligations; and
3. The extent to which the participant has problems of a personal nature, such as a physical or mental disability or terminal illness in the immediate family, which so intrude on the participant's present and future ability to perform as to raise a presumption that she would be unable to perform the obligation incurred.

Your Client's Current Obligation

The mission of the NHSC is to improve the health of the nation's underserved by recruiting

clinicians to serve in Health Professional Shortage Areas (HPSAs) of greatest need. As a condition of receiving a Fiscal Year (FY) 2020 NHSC RC LRP award of \$25,187.76, Haley Clements signed a contract agreeing to provide three years of full-time service as a Family Practice Nurse Practitioner in a HPSA to which she would be assigned by the Secretary of Health and Human Services (“the Secretary”). Our records indicate that she served 77 days (July 24, 2020, to October 8, 2020) of her 1095-day service obligation at SE Alabama Rural Health Associates - Eufaula Internal Medicine in Eufaula, Alabama, when she resigned from her site.

Waiver Request

In August of 2022, your client requested a waiver of her NHSC RC LRP service obligation due to personal and financial hardship. We thoroughly reviewed the medical and financial information your client submitted, and in a letter dated June 30, 2023, explained that she did not meet the criteria for a waiver of her service obligation. Accordingly, we denied her waiver request.

Subsequently, in December 2023, you requested that the NHSC reconsider the denial of your client’s waiver request due to a personal hardship. In February 2024, you wrote the NHSC to inform that your client’s mother-in-law was diagnosed with brain cancer and your client is assisting her with her activities of daily living (ADLs). You also indicated in the letter that Ms. Clements’ younger child has severe anxiety, and your client also assists her husband and her elderly father with their medical care. In addition, you submitted Ms. Clements’ job search history demonstrating that there were no eligible NHSC vacancies within commuting distance from her home.

The Extreme Hardship Standard

A. Problems of a Personal Nature

In support of your request for reconsideration of your client’s waiver request, we received medical documentation dated February 6, 2024, from Flowers Hospital, confirming your client’s mother-in-law’s cancer diagnosis. We received a Forensic Psychological Evaluation report dated October 30, 2023, provided by Otto A. Arnoscht, Ph.D., confirming that your client’s younger child suffers from Generalized Anxiety Disorder, and she has special health care needs. We also received a declaration dated October 2023, from Dr. Jeff Bush, primary care physician for your client’s father and husband, stating that they depend upon Ms. Clements for their care, and that she also provides care for her grandmother. In addition, we confirmed that there are currently no open positions at eligible NHSC sites within commuting distance, where your client could potentially complete her remaining service obligation without interruption of care for her ill family members. Based on our review of the additional documentation submitted on behalf of your client, we concluded that your client does have problems of a personal nature (illnesses in her immediate family and the lack of eligible sites with jobs within a commutable distance that will allow her to care for her family) that so intrude on her present and future ability to perform

that compliance with her NHSC RC LRP service obligation would involve extreme hardship and enforcement of her remaining service obligation would be against equity and good conscience.

B. Current and Estimated Future Financial Resources and Obligations

Dr. Jeff Bush indicated in his declaration that your client provides financial support for her family members to assist with their mortgage and other living expenses. We did receive a list of your client's monthly expenses as part of the limited financials that were submitted for review, which were inclusive of two monthly mortgage payments.

Your client also possesses a valid, unrestricted license, and is working full-time in her field as a Nurse Practitioner at an ineligible site. Based on her current age (42) and current and future earning potential, your client can generate an income. Accordingly, we were unable to conclude on the basis of information we have that your client lacks the current and future ability to satisfy her remaining financial obligation.

Our Determination

Under the terms of the NHSC RC LRP contract, your client agreed that if she failed to complete her service for any reason, she would be liable to the United States for damages equal to (i) the amounts paid to her, or on her behalf, for the period of obligated service not completed; (ii) \$7,500 multiplied by the number of months of obligated service not completed; and (iii) interest on the amounts described in (i) and (ii) at the maximum legal prevailing rate, as determined by the Treasurer of the United States, from the date of the breach.

However, because your client has problems of a personal nature that prevent her from completing her remaining service obligation, we believe it would be against equity and good conscience to require her to pay her debt. Therefore, the agency has determined to waive the total amount of your debt, \$237,535.20.

If Ms. Clements has additional questions regarding this waiver decision, she may contact Anjum Rishi in the Legal and Compliance Branch via email at arishi@hrsa.gov.

Sincerely,



Jeremiah St. Helen
Deputy Director